

PRELIMINARY AMENDMENT

Continuation application of:  
Application Serial No. 08/893,300  
Atty. Docket No. GP068-03.CN1

- A2  
Cancelled.
- probe.
436. (New) The kit of claim 435 further comprising nucleoside triphosphates.
437. (New) The kit of claim 422 further comprising one or more amplification reagents.
438. (New) The kit of claim 437 further comprising at least one oligonucleotide probe.
439. (New) The kit of claim 438, wherein said probe includes a label.
440. (New) The kit of claim 422, wherein the amplification procedure of said written instructions is a polymerase chain reaction method of amplification.
441. (New) The kit of claim 422, wherein the amplification procedure of said written instructions is a transcription-based method of amplification.

\* \* \* \* \*

Remarks

Claims 422-441 are presently pending in the subject application.

Claim 1-421 are canceled herein without prejudice to the future prosecution of the subject matter of any of these claims in this or a future continuation or division application.

Claims 422-441 are new and find support in the originally filed application *passim* and in originally filed claims 379-421.

PRELIMINARY AMENDMENT

Continuation application of:  
Application Serial No. 08/893,300  
Atty. Docket No. GP068-03.CN1

Applicant submits that the invention of claims 422-441 is fully patentable in view of the prior art which was cited to or by the Examiner in parent application Serial No. 08/893,300 ("the '300 application"). This conclusion is supported by the Examiner's determination during examination of the '300 application that methods for amplifying target nucleic acid sequences using primers which contain one or more ribonucleotides modified to include a 2'-O-methyl substitution to the ribofuranosyl moiety are both novel and non-obvious. It is thus inescapable that kits which include such modified primers, as well as written instructions for performing an amplification procedure employing these primers, (*see, e.g.*, specification at page 35, lines 17-26), must likewise be both novel and non-obvious in view of the very same art. Accordingly, Applicant submits that all of the newly presented claims are fully patentable in view of the art of record.

Applicant submits that the subject application is in condition for allowance and Notice to that effect is respectfully requested.

No fee is believed due in connection with this Preliminary Amendment. If Applicant is mistaken, please charge the amount due to Deposit Account 07-0835.

**Certificate of Express Mailing**

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on the date indicated below with the U.S. Postal Service

PRELIMINARY AMENDMENT

Continuation application of:  
Application Serial No. 08/893,300  
Atty. Docket No. GP068-03.CN1

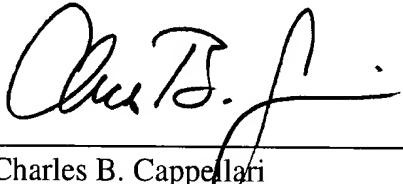
as Express Mail No. EE090187350US addressed to Box Patent Application, Assistant  
Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

GEN-PROBE INCORPORATED

By:

Charles B. Cappellari  
Registration No. 40,937



Date: March 10, 2000

Patent Department  
10210 Genetic Center Drive  
San Diego, California 92121  
PH: 858-410-8927  
FAX: 858-410-8928